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FILED
10:09 O'Clock 2 M
AUG 30 2010
JEANNE HICKS, Clerk
BY Rita Storms
Deputy

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

FOR DIVISION 6

HON. WARREN R. DARROW

By: Diane Troxell, Judicial Assistant

CASE NUMBER: P1300CR20081339

Date: August 30, 2010

TITLE: STATE OF ARIZONA (Plaintiff)	COUNSEL: Joseph C. Butner III, Esq. Jeffrey Paupore, Esq. Deputy Yavapai County Attorneys (For Plaintiff)
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vs.

STEVEN CARROLL DEMOCKER

John M. Sears, Esq.
107 N. Cortez St., Suite 104
Prescott, AZ 86301-3000

Larry A. Hammond, Esq.
Anne M. Chapman, Attorney at Law
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2929 N. Central Ave., 21st Fl.
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(Defendant)

(For Defendant)

RULING ON STATE'S MOTION TO QUASH SUBPOENA DUCES TECUM

The Court has considered the State's motion and the Defendant's response. The parties have not requested oral argument.

The State has not contested the Defendant's assertion in the response that "the defense previously requested these records from the Yavapai County Sheriff's Office in 2009. In response, the Sheriff's Office disclosed only the training records and directed the defense to the County Human Resources Department for the remainder of the records." Also, the State has not maintained that it was unaware of this prior effort to obtain employment records. Thus, although the Court concludes that the proper means of requesting this information is to proceed under Rule 15.1(g) of the Arizona Rules of Criminal Procedure, this matter should not be decided on the basis of the rules governing time limits for discovery and disclosure.

The trial testimony involving Detective Brown's removal as the case agent in this matter could implicate *Brady* considerations. The Defendant's response to the motion to quash also mentions circumstances relating to Detective Brown, Detective McDormett, and Sergeant Huante that could raise *Brady* concerns.

The Court concludes that the response to the motion to quash contains an appropriate request under Rule 15.1(g) and that the Defendant has made the necessary showing under that rule. Therefore,

IT IS ORDERED as follows:

- (1) granting the State's Motion to Quash the Subpoenas Duces Tecum;
- (2) granting the Defendant's request pursuant to Rule 15.1(g);
- (3) directing that the State comply with the Defendant's request within 5 days of the filing of this order unless a request for a protective order pursuant to Rule 15.1(g) is received by this Court prior to that time.

DATED this 30th day of August, 2010.


Warren R. Darrow
Superior Court Judge

cc: Victim Services Division
Division 6
Christopher DuPont, Esq., 245 W. Roosevelt, Ste. A., Phoenix, AZ 85003